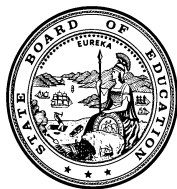




# **California State Board of Education**

**Meeting Agenda Items for September 13, 2012**

**ITEM W-01 CORRECTED**



## CALIFORNIA STATE BOARD OF EDUCATION

### SEPTEMBER 2012 AGENDA

#### ☒ General Waiver

##### SUBJECT

Request by **Mountain Empire Unified School District** to waive portions of *California Code of Regulations*, Title 5, Section 11960(a), to allow the charter school attendance to be calculated as if it were a regular multi-track school.

Waiver Number: 10-5-2012

☒ Action

☒ Consent

##### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends approval with the following conditions:

1. The charter school will operate up to five tracks; each track will offer a minimum of 175 days.
2. For each track, the charter school will offer the minimum annual instructional minutes as specified by California *Education Code (EC)* Section 47612.5.
3. No track will have fewer than 55 percent of its school days completed prior to April 15.
4. Average daily attendance (ADA) will be calculated separately for each track by the method set forth in *California Code of Regulations*, Title 5 (5 *CCR*), Section 11960, and then the resulting attendance figures will be totaled.
5. For each pupil attending more than one track over the course of the fiscal year, including intersessions and supplemental tracks, attendance must be calculated individually by pupil. In that event, the charter school is directed to work with the CDE to determine the appropriate method for configuring individual students' ADA to ensure that each student does not generate more than one ADA.

Because this waiver is granted for two consecutive years, *EC* 33051(b) will apply, and the district will not be required to reapply annually if information contained in the request remains current.

## **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

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At its July 2000 meeting, the State Board of Education (SBE) approved SBE's Policy #00-05 Charter School ADA: Alternative Calculation Method, available at <http://www.cde.ca.gov/re/lr/wr/documents/charterschoolada.doc>, which applies to this waiver request. Many multi-track calendar waivers for charter schools have been approved by the SBE in the past 11 years.

## **SUMMARY OF KEY ISSUES**

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Section 11960(a) of 5 CCR defines regular ADA in a charter school and establishes the calculation for determining ADA. The calculation divides the total number of pupil-days attended by the total number of days school was actually taught. This section also requires a proportional reduction in a charter school's funding for each day less than 175 days if the school operates fewer than 175 days in any fiscal year. (This requirement has been reduced to 170 days by EC Section 46201.2, through the 2014–15 fiscal year.)

As referenced in the SBE Policy #00-05:

"Attendance" means the attendance of charter school pupils while engaged in educational activities required of them by their charter schools, on days when school is actually taught in their charter schools. "Regular average daily attendance" shall be computed by dividing a charter school's total number of pupil-days of attendance by the number of calendar days on which school was actually taught in the charter school. For purposes of determining a charter school's total number of pupil-days of attendance, no pupil may generate more than one day of attendance in a calendar day.

A multi-track calendar waiver is typically requested by charter schools that operate on a multi-track, year-round education calendar in order to claim the full ADA. In a multi-track calendar, the total number of days that school is taught may exceed 200 days. However, each track of students is only provided instruction for the number of days in a given track, typically 175 days. Therefore, a waiver is necessary for a multi-track charter school to separately calculate ADA in each track, rather than for the school as a whole.

Mountain Empire Unified School District is requesting this waiver on behalf of the California Pacific Charter School of San Diego (a charter school operated by California Virtual Education Partners, Inc.) to operate a multi-track year round education calendar with three tracks. The reason for offering a multi-track calendar is that the school's target population, comprised mainly of individualized learning students, benefits from a calendar with a staggered start that enables them to commence the school year on a schedule that works well with their existing life circumstances, such as summer and part-time employment, coordination with local school district academic calendars, and meeting the unique academic needs of this student population. The total number of

days the school is teaching per year may be as high as 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55 percent of its school days prior to April 15.

On the basis of this analysis, the CDE recommends approval of this waiver with the conditions noted above.

**Because this is a general waiver, if the SBE decides to deny the waiver, it must cite one of the seven reasons in EC 33051(a),** available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=edc&group=33001-34000&file=33050-33053>.

**Demographic Information:** The charter school has a widely diverse student population of 283 and provides educational services to students across San Diego and contiguous counties targeted at students who have been underserved by their current school options.

**Authority for Waiver:** EC Section 33050

**Period of request:** July 1, 2012 to June 30, 2014

**Period Recommended:** July 1, 2012 to July 1, 2014

**Local board approval date(s):** April 10, 2012

**Public hearing held on date(s):** April 10, 2012

**Bargaining unit(s) consulted on date(s):** The charter school does not have an employee bargaining unit.

**Name of bargaining unit/representative(s) consulted:** The charter school does not have an employee bargaining unit.

**Position of bargaining unit(s) (choose only one):** The charter school does not have an employee bargaining unit.

☐ Neutral ☐ Support ☐ Oppose:

Comments (if appropriate):

**Public hearing advertised by (choose one or more):**

☐ posting in a newspaper ☒ posting at each school ☐ other (specify)

**Advisory committee(s) consulted:** The charter school does not have an advisory committee or school site council.

**Objections raised (choose one):** ☐ None ☐ Objections are as follows:

**Date(s) consulted:** The charter school does not have an advisory committee or school

site council.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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There is no statewide fiscal impact of waiver approval.

**ATTACHMENT(S)**

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Attachment 1: Mountain Empire Unified School District General Waiver Request  
(2 Pages) (Original waiver request is signed and on file in the Waiver  
Office.)

10-5-2012

Attachment 1

Page 1 of 2

CALIFORNIA DEPARTMENT OF EDUCATION

**GENERAL WAIVER REQUEST**

GW-1 (Rev. 10-2-09)

<http://www.cde.ca.gov/re/lr/wr/>First Time Waiver:   X  Renewal Waiver:       

Send Original plus one copy to:  
 Waiver Office, California Department of Education  
 1430 N Street, Suite 5602  
 Sacramento, CA 95814

Send Electronic copy in **Word** and  
 back-up material to: [waiver@cde.ca.gov](mailto:waiver@cde.ca.gov)

		CD CODE						
		3	7	6	8	2	1	3
Local educational agency: <b>Mountain Empire Unified School District</b>		Contact name and Title: Mr. Steve Van Zant, Superintendent				Contact person's e-mail address: svanzant@meusd.net		
Address: (City) (State) (ZIP) 3291 Buckman Springs Rd Pine Valley CA 91962		Phone (and extension, if necessary): (619) 473-9022 Fax Number: (619) 473-9728						
Period of request: (month/day/year) From: <b>July 1, 2012</b> To: <b>June 30, 2014</b>		Local board approval date: (Required) April 10, 2012				Date of public hearing: (Required) April 20, 2012		
<b>LEGAL CRITERIA</b>								
1. Under the general waiver authority of <i>Education Code</i> 33050-33053, the particular <i>Education Code</i> or <i>California Code of Regulations</i> section(s) to be waived (number): <b>CCR Title 5, Section 11960(a)</b> Circle One: <i>EC</i> or <b>CCR</b> Topic of the waiver: <b>Charter School Multi-Track Calendar Waiver</b>								
2. If this is a renewal of a previously approved waiver, please list Waiver Number: <u>  n/a  </u> and date of SBE Approval <u>  n/a  </u> Renewals of waivers must be submitted two months before the active waiver expires.								
3. Collective bargaining unit information. Does the district have any employee bargaining units? <u>  X  </u> No <u>      </u> Yes <u>      </u> If yes, please complete required information below: The charter school does not have a bargaining unit.  Bargaining unit(s) consulted on date(s):  Name of bargaining unit and representative(s) consulted:  The position(s) of the bargaining unit(s): <u>      </u> Neutral <u>      </u> Support <u>      </u> Oppose ( <i>Please specify why</i> )  Comments (if appropriate):								
4. Public hearing requirement: A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district.  How was the required public hearing advertised? <u>      </u> Notice in a newspaper <u>  X  </u> Notice posted at each school <u>      </u> Other: ( <i>Please specify</i> )								
5. Advisory committee or school site councils. Please identify the council(s) or committee that reviewed this waiver:  Date the committee/council reviewed the waiver request:  Were there any objection(s)? No <u>      </u> Yes <u>      </u> ( <i>If there were objections please specify</i> )								

CALIFORNIA DEPARTMENT OF EDUCATION  
**GENERAL WAIVER REQUEST**  
GW-1 (10-2-09)

6. *Education Code* or *California Code of Regulations* section to be waived. If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact phrases requested to be waived (use a **strike out key**).

**Enable the California Pacific Charter School – San Diego, a California public charter school, to apply for waiver under CCR-Title 5 Section 11960 (a), to allow the charter school attendance to be calculated as a regular multi track school.**

7. Desired outcome/rationale. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. If more space is needed, please attach additional pages.

**This waiver is being requested to enable the California Pacific Charter School – San Diego (a charter school operated by California Virtual Education Partners, Inc., a California non-profit public benefit corporation) to operate a multi-track year round education calendar with 3 tracks. As a result, the total number of days the school is teaching per year may be as high as 240. However, each track of students will be offered school for a minimum of 175 days of instruction and no track will have fewer than 55% of its school days prior to April 15. Therefore, the waiver is requested to separately calculate ADA in each track (rather than the school as a whole) by method set forth in Title 5 CCR Section 11960(a), and then total the resulting figures. This is the same method that is required for non-charter schools that operate on a multi-track year round calendar. The reason for operating a multi-track calendar is that our target population comprised mainly of individualized learning students benefit from a calendar with a staggered start, which enables them to commence the school year on a schedule that works well with their existing life circumstances, such as summer and part-time employment, coordination with local school district academic calendars, and meeting the unique academic needs of this student population.**

8. Demographic Information:

**The charter school has a widely diverse student population of 283 and provides educational services to students across San Diego and contiguous counties targeted at students who have been underserved by their current school options.**

**Is this waiver associated with an apportionment related audit penalty? (per EC 41344)** No ☒ Yes ☐  
(If yes, please attach explanation or copy of audit finding)

**Has there been a Categorical Program Monitoring (CPM) finding on this issue?** No ☒ Yes ☐  
(If yes, please attach explanation or copy of CPM finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:	Title: Superintendent	Date:
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**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name ( <i>type or print</i> ):	Staff Signature:	Date:
Unit Manager ( <i>type or print</i> ):	Unit Manager Signature:	Date:
Division Director ( <i>type or print</i> ):	Division Director Signature:	Date:
Deputy ( <i>type or print</i> ):	Deputy Signature:	Date: